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In re Application of	:	OFFICE OF PETITIONS
Freire	:	
Application No. 09/950,047	:	DECISION GRANTING
Filed: September 12, 2001	:	PETITION
Attorney Docket No. 1539(03940014AA)	:	

This is a decision on the renewed petition filed August 14, 2002, to establish that page 17 of the specification was part of the originally filed application.

The petition under 37 CFR 1.53 is **granted**.

On September 12, 2001, the application was filed.

On October 18, 2001, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s)" stating that the application had been accorded a filing date of September 12, 2001, and advising applicants that page 17 appeared to have been omitted.


In response, on March 20, 2002, a petition was filed alleging that page 17 was deposited on September 12, 2001. The evidence was convincing that the application papers deposited on September 12, 2001, included page 17, and that page 17 was subsequently misplaced in the PTO. Unfortunately, although the papers filed on March 20, 2002, stated they were accompanied by a copy of page 17, a copy of page 17 could not be found in the file. Therefore, the petition was dismissed since examination of the application could not satisfactorily be performed without a copy of page 17.

The instant petition includes a copy of page 17.

The Notice mailed October 18, 2001 was sent in error and is hereby vacated.

The Application is being returned to the Office of Initial Patent Examination for further processing with a filing date of September 12, 2001, using the application papers filed on September 12, 2001, and the copy of page 17 filed on August 14, 2002.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.


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for Patent Examination Policy